

EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

GENERAL MOTORS LLC IGNITION
SWITCH LITIGATION

This Document Relates to:

All Actions

MDL No. 2543

Master File No.: 14-MDL-2543 (JMF)

Case No. 1:14-cv-08176 (JMF)

**PLAINTIFFS' OPPOSITION TO NEW GM'S MOTION *IN LIMINE* NO. 7 TO
EXCLUDE ALL CLAIMS, EVIDENCE, AND ARGUMENT RELATING TO PUNITIVE
DAMAGES CONTINGENT ON THE FORTHCOMING DECISION
OF THE BANKRUPTCY COURT**

Plaintiffs respectfully submit this opposition to General Motors LLC's Motion *In Limine* No. 7 to Exclude all Claims, Evidence, and Argument Relating to Punitive Damages Contingent on the Decision of the Bankruptcy (the "Motion").

New GM's Motion was premature when it was filed, and has now been mooted by Judge Gerber's Decision on Imputation, Punitive Damages, and Other No-Strike and No-Dismissal Pleadings Issues. *See In re Motors Liquidation Co.*, No. 09-50026 (REG), 2015 WL 6876114 (Bankr. S.D.N.Y. Nov. 9, 2015) (the "Decision").

New GM argued in the Bankruptcy Court that it "is not and cannot be liable for punitive damages in claims arising from accidents or incidents or incidents involving Old GM vehicles that occurred after the closing of the 363 Sale, regardless of whether such damages are based on Old GM or New GM conduct." Motion at 1. Judge Gerber has now ruled on New GM's argument, holding, *inter alia*, that "[p]unitive damages may be sought against New GM to the extent—but only to the extent—they are based on New GM knowledge and conduct," including

knowledge about Old GM conduct inherited by New GM. See Decision, 2015 WL 6876114 at *2, 10, 14.

Pursuant to this Court's November 10, 2015 Memo Endorsement (Docket No. 1628), Plaintiff Scheuer will file an amended complaint that complies with the Decision no later than tomorrow—November 17, 2015. The complaint against which New GM moved will not be operative by the time this Court renders its decision on New GM's Motion. By refusing to table the Motion pending the filing of the amended complaint, New GM has created pointless additional work for its lawyers, Plaintiffs and the Court.

Accordingly, Plaintiffs respectfully submit that New GM's Motion should be denied. In the event that New GM believes that any punitive damage claims in the amended complaint are improper under the Decision, the Court can take up any actual controversy when and if it arises.

Dated: November 16, 2015

Respectfully Submitted,

By: /s/ Robert C. Hilliard
Robert C. Hilliard

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on November 16, 2015, which will send notification of such filing to the e-mail addresses registered.

/s/ Robert C. Hilliard

Robert C. Hilliard